

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TRICORE, INC.,)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-12393-JGD
v.)	
)	
SAFECO INSURANCE COMPANY OF)	
AMERICA, and R.P. IANNUCCILLO &)	
SONS CONSTRUCTION CO.,)	
Defendants.)	
)	

SAFECO INSURANCE COMPANY OF AMERICA'S
MOTION TO ENFORCE SETTLEMENT AGREEMENT

Defendant Safeco Insurance Company of America ("Safeco") hereby moves this Court for an order enforcing the settlement reached between Safeco and Plaintiff Tricore, Inc. ("Tricore") on July 19, 2005. As grounds for this motion, Safeco asserts that the parties reached a binding and enforceable settlement through mediation, reported the matter settled to the Court, and thereafter incorporated the settlement terms into a written settlement agreement. Tricore now refuses to execute the agreement due to a change of heart with respect to the settlement terms. As both Safeco and the Court are prejudiced by Tricore's refusal to honor the settlement, Safeco respectfully requests that the Court enforce the settlement reached by the parties on July 19, 2005.

In support of this motion, Safeco relies on the accompanying Memorandum of Law, the terms of which are incorporated herein.

Respectfully submitted:

SAFECO INSURANCE COMPANY OF
AMERICA

By its attorneys,

/s/ Jonathan C. Burwood

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Dated: January 4, 2006

STATEMENT OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I conferred with all counsel in a good faith effort to resolve or narrow the issues set forth herein.

/s/ Jonathan C. Burwood

Jonathan C. Burwood